

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUDALE RANDY JONES,
Petitioner,

v.

Case No. 1:99-CV-518

DAVID GUNDY,

Respondent.

Hon. Richard Alan Enslen

ORDER

/

This matter is before the Court to determine Petitioner Ludale Randy Jones' Motion for Rehearing of the March 24, 2006 Order denying his Federal Rule of Civil Procedure 60(b) motion for relief from judgment. Oral argument of the Motion is unnecessary in light of the briefing and the issues raised. *See* W.D. Mich. L. Civ. R. 7.3(d).

Petitioner's Motion for Rehearing is in substance a motion for reconsideration of the March 24, 2006 Order. Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been mislead . . . [and] that a different disposition must result from the correction thereof." Plaintiff's Motion fails to meet this standard. The Order in question properly denied the Rule 60(b) motion for relief because none of the subsections of Rule 60(b), including the subsection (b)(6) "extraordinary circumstance" exception, dictates that relief should be afforded on the facts of the present case. This is particularly so in light of federal precedent and the holding in *Gonzalez v. Crosby*, 125 S. Ct. 2641, 2650 (2005) ("It is hardly extraordinary that subsequently, after petitioner's case was no longer pending, this Court arrived at a different interpretation.")

THEREFORE, IT IS HEREBY ORDERED that Petitioner Ludale Randy Jones' Motion for Rehearing (Dkt. No. 56) is **DENIED**.

DATED in Kalamazoo, MI:
May 19, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE